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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,008	09/20/2001	Michael Ray Timperman	2001-0134.02	3800

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EXAMINER

PARK, JUNG H

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/957,008	Applicant(s) TIMPERMAN ET AL.	
	Examiner Jung Park	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 20, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 5-7, 9-15, 19-25 and 28-30 are rejected under 35 U.S.C 102(b) as being anticipated by Hughes et al. (US 6,636,509, "Hughes").

Regarding claims 1, and 21, Hughes discloses the method of claim 1, and the device of claim 21. Hughes discloses a method [, a system, and a device] of processing data packets, comprising:

- receiving a plurality of the data packets (*IP input packets to parser 610 fig.6*) at a selected node (*600 fig.1*);
- extracting only pertinent information (*the parser extracts only "packet address" and "TOS" fig.6; col.6, ln.60-63*) from the data packets, while ignoring nonpertinent information from the data packets (*many fields in the packet fig.2 are ignored for this processing*), the pertinent information being pertinent to the selected node; and
- generating a plurality of response data packets (*output packets of 630 fig.6*) based on the pertinent information (*based on packet address and TOS only*), wherein the extracting and generating steps are performed without use of a microprocessor (*a microprocessor is not used as shown in fig.6*).

Regarding claims 2, 13 and 23, Hughes further teaches, "the extracting and generating steps are performed without use of a storage memory (*fig.6 where the extract step in parser and generating step in combiner are performed without use of a storage memory*)."

Regarding claims 5, 15, 24 and 25, Hughes further teaches, "the step of transmitting the response data packets to a packetized data network (*a network connected to 160 fig.6 for sending out the modified IP packets*)."

Regarding claims 6, 19 and 28, Hughes further teaches, "the receiving step includes receiving the data packets from a packetized data network (*parser 610 fig.6 receives IP packets from a packetized data network connected to 610 fig.6*)."

Regarding claim 7, Hughes further teaches, "the pertinent information includes a packet payload (*payload of a packet fig.2 included in the output of 630*)."

Regarding claim 9, Hughes further teaches, "the extracting step includes extracting header information (*packet address & TOS fig.6*)."

Regarding claim 10, Hughes further teaches, "the response data packets include the header information (*packet output of 630 fig.6 includes the header information as shown in fig.2*)."

Regarding claim 11, it is a claim corresponding to claims 1 and 3 and is therefore rejected for the similar reasons set forth in the rejection of claims 1 and 3.

Regarding claims 12, 14 and 22, they are claims corresponding to the generating step of claim 1 and are therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claim 20, Hughes further teaches, "the system further comprising an interface interconnecting the peripheral device and the filter device (640 fig.6)."

Regarding claim 29, Hughes is silent on the packet generator comprising an N to M decoder. However, the decoder is a hardware device or software that converts coded data back into its original form. Therefore, it is inherent that the combiner (630 fig.6) is a hardware that converts N inputs to M output, or an N to N decoder.

Regarding claim 30, Hughes further teaches, "the pertinent information comprises selected bytes within the data packets (TOS, SA, or DA bytes in the header fig.2)."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes.

Regarding claims 3 and 8, Hughes is silent on "the selected node includes a peripheral device, the pertinent information being pertinent to the peripheral device."

However, at the time of the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to connect a peripheral device (such as a network adapter in a computer, a printer, etc) to the system of Hughes in order to utilize the classified IP packets.

5. Claims 4, 16-18, 26 and 27 are rejected under 35 U.S.C 103(a) as being unpatentable over Hughes in view of Ambe et al. (U.S. 6,876,653, "Ambe", cited in the first Office Action).

Regarding claims 4, 16, 18, 26 and 27, Hughes is silent on the state machine configured for receiving the signal from the filter device and issuing a request to the packet generator to transmit the response data packets (see state machine 22 in figure 1 of this application). However, Ambe teaches a filter comprising a state machine (141 *fig. 14; col. 21, ln. 25-35 where ...actions taken by ...sending of the packet*) for the purpose described above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the state machine taught by Ambe into the system of Hughes since one would be motivated to utilize the computing device (state machine) designed with the operational states in order to provide faster performance at lower cost than a general purpose CPU.

Regarding claim 17, it is a claim corresponding to claim 5 and is therefore

Art Unit: 2616

rejected for the similar reasons set forth in the rejection of claim 5.

Response to Arguments

6. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:15-4:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

Jung Park
Patent Examiner
April 20, 2006

Chau T. Nguyen

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SUPERVISORY PATENT EXAMINER
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